

☐ Request

☐ Request for Certification

☐ Request for Investigation

☐ Resale Agreement

☐ Resale Amendment

☐ Reservation Letter

☐ Response

☐ Response to Discovery

☐ Return to Petition

☐ Stipulation

☐ Subpoena

☐ Tariff

☐ Other:



Anthony D. Gillette  
Corporate Counsel

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§

January 10, 2008

Public Service Commission of South Carolina  
Attn: Mr. Terreni, Chief Clerk  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210

SC PUBLIC SERVICE  
COMMISSION

2008 JAN 11 AM 9:59

RECEIVED

RE: Application of Kentucky Data Link, Inc. to Provide Resold and Facilities-Based  
Local Exchange and Interexchange Telecommunications Services throughout South  
Carolina

Dear Mr. Terreni:

Enclosed is one (1) original and ten (10) copies of Kentucky Data Link, Inc.'s Motion for Protective Treatment and Application for authority to provide resold and facilities-based local exchange and interexchange telecommunications services throughout South Carolina.

Please acknowledge your receipt of this document by file-stamping the spare copy which is enclosed, and return it to me in the enclosed postage prepaid envelope.

Please contact me if you have any questions or concerns. I can be reached at either (913) 754-3341 or [anthony.gillette@kdlinc.com](mailto:anthony.gillette@kdlinc.com).

Sincerely,

Anthony D. Gillette  
Corporate Counsel

Encl.

190171

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2008 JAN 11 AM 10:00

SC PUBLIC SERVICE  
COMMISSION

BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

IN RE:

Application of Kentucky Data Link, Inc.  
To Provide Resold and Facilities-Based Local  
Exchange and Interexchange  
Telecommunications Services Throughout  
South Carolina

Docket No: 2008-

MOTION FOR PROTECTIVE TREATMENT

Kentucky Data Link, Inc. (hereafter "Applicant"), by and through counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and S.C. Code Ann Regs. § 103-804(S)(2), hereby files this Motion for Protective Treatment in the above captioned matter. More specifically, Applicant hereby requests protective treatment of its, and its affiliates, financial information which is commercially-sensitive and attached to its Application to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services (hereafter "Application") as Exhibit 4. The aforementioned financial information is being filed as a Trade Secret, and because this Motion is integral to Applicant's Application, it is being submitted simultaneously therewith.

Applicant states the following in support of this Motion:

I. DESCRIPTION OF CONFIDENTIAL INFORMATION

As part of the application process to obtain authority, Applicant is required to disclose documents evidencing its financial ability to provide service. Pursuant to this requirement, Applicant is filing a copy of its most recent financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Applicant's competitive position.

II. BASIS FOR CLAIM OF CONFIDENTIALITY

Pursuant to the South Carolina Trade Secret Act, a "trade secret" is information that (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public... and (ii) is the subject of efforts that are reasonable under the circumstance to maintain its secrecy. S.C. Code Ann. § 39-8-20(5)(a).

Accordingly, in light of the foregoing definition, Applicant's financial documents qualify as a trade secret. Applicant is a privately held company whose financial status is not readily available or ascertainable by third parties. Applicant has no obligation to prepare or submit projected financial statements or information to any public entities. The unavailability of this financial information derives independent economic value for the Applicant because its disclosure would harm its ability to compete in a competitive marketplace.

Applicant takes considerable steps to ensure the financial information being filed with its Application remains secret. The information is not publicly disclosed or disseminated, and access to it by employees is limited to those with a need to have said information.

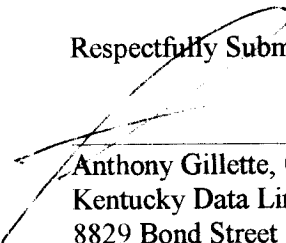
Any and all copies of said documents that are filed with a state commission are marked as confidential, and are submitted alongside a formal request or motion that the documents be treated as confidential and a trade secret under applicable state law.

### III CONCLUSION

The financial information for which Applicant is seeking protective treatment is both proprietary and competitively sensitive. The disclosure of Applicant, and its affiliates, financial information would cause a substantial and direct harm to Applicant's ability to compete. The harm that would be imposed is real and actual, not speculative. Moreover, no other jurisdiction has required Applicant to make its financial information publicly available. Therefore, for the foregoing reasons, the financial information provided by Applicant in Exhibit 4 to its Application should be protected from public disclosure.

WHEREFORE, Applicant requests that the information contained in Exhibit 4 of its Application be ruled exempt from public disclosure and provided protective treatment as a confidential trade secret in accordance with state law.

Respectfully Submitted,

  
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